

REMARKS

Reconsideration of this application is respectfully requested. The telephone discussions with the Examiner on August 23 and 24, 2004, are acknowledged with appreciation. This Amendment is presented based upon those discussions and in response to the Office action of July 8 2004 in a sincere effort to place this application in condition for early allowance.

Claims 4-16 and 19-26, a total of 21 claims, including three independent claims (4, 16 and 26) are presented. Previously a fee for a total of 21 claims was filed. No additional amendment fee is required.

Claim 4 is amended into independent form. In paragraph 4 of the Office Action Claims 4-5, 8-9, 15 and 19-21 were subject to objection as being dependent upon a rejected base claim (claim 3). The indication of allowability of these claims in independent form is acknowledged with appreciation. Moreover, as amended herein, claim 6-7 and 9-14 also depend upon claim 4. While presenting claim 4 in independent form, in a sincere effort to place claims 4-5, 8-9 and 15, as well as claims 6-7 and 9-14 in condition for allowance, a clause has been added to claim 4 to the effect that in addition to the fastening member being shaped to seat securely in an aperture defined by the front sight of the firearm the shape of the fastening member can be coupled to the front sight. Support for this is present in the specification, for instance at page 6, lines 10-16. Claim 4, including this feature is not subject to rejection over Swan (@O 93/20398, which was not applied against Claim 4 prior to the present Amendment.

Regarding paragraph 1 of the Office action independent Claim 16 is re-presented and independent claim 26 is presented herein. Claim 16 has been filed In the Preliminary Amendment in order to obviate an election requirement that the Examiner requested in a telephone call on June 16, 2004. In the further telephone conversation on August 24, 2004, the Examiner advised the undersigned attorney, that method claim 16 set forth as a claim dependent upon an article claim, although not subject to an election requirement would be Rejected as improperly dependent upon an article claim. Accordingly claim 16 is re-presented in independent form as a method corollary of original, now cancelled, claim 3 Claims 17018 are cancelled herein without prejudice, thereby keeping the number of claims

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constant. Claims 19-21, indicated by the Examiner to contain allowable subject matter, remain as depending upon claim 16. Claim 26 is presented in independent form as a method corollary of article claim 4. In order to expedite prosecution of this application, applicant hereby elects, without traverse, the claimed article, presented in Claims 4-15 and 22-25.

Applicant reserves the right to file a divisional application directed to the method. Should the Examiner indicate claims 4-15 and 22-25 to be allowable, applicant respectfully requests that he cancel claim 16, 19-21 and 26 by Examiner's Amendment, in order to expedite allowance of this application.

New claims 22 and 23 respectively provide for the aspect of claim 4 wherein the fastener seats securely in the aperture defined by the front sight and is coupled to the fastening member. Claims 24 and 25 essentially correspond to original claims 1 and 2 but with the content of claim 4.

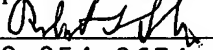
In paragraphs 2 and 3 of the Office Action, claims 1-3, 6-7, 10-14 and 16-18 were rejected under 35 U.S.C. 102(b) as being anticipated by Swan (WO 93/20398). The US substantial equivalent patent is 5,343,650. It is respectfully submitted that the substance of claim 1-3 is patentable over Swan. However, in order to expedite prosecution and allowance, Claims 1-3 have been cancelled without prejudice to being filed in a continuing application. As indicated above, claims 6-7 and 10-14 now upon claim 4 and are, therefore, not subject to rejection over Swan. Likewise, as indicated above, the remaining method claims 16, 19-21 and 26 are non-elected.

As stated above, the citation of prior art US Patent 5,343,650 to Swan essentially correspond to WO 93/20398. No considerations beyond the content of WO 93/20398 are raised by US Patent 5,343,650. The several other prior art references cited as pertinent to the disclosure is acknowledged. These references are not applicable to the claims.

Reconsideration and allowance of claims 4-15 and 22-25 are respectfully requested.

In the event outstanding issues remain, he is respectfully requested to telephone the undersigned attorney to discuss same.

Respectfully submitted, Attorney for Applicant.


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